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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,539	03/31/2004	Priya Rajagopal	884.B76US1	7163
21186 7590 03/13/2008 SCHWEGMAN, LUNDBERG & WOESSNER, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402				
EXAMINER				
KANE, CORDELLA P				
ART UNIT		PAPER NUMBER		
2132				
MAIL DATE		DELIVERY MODE		
03/13/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/815,539

Applicant(s)

RAJAGOPAL ET AL.

Examiner

CORDELIA KANE

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments, see Remarks, filed January 5, 2008, with respect to the rejections of claims 1 – 25 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made.

***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1 – 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coss in view of Venkatachary et al's US Patent 6,212,184 B1, and further in view of Katz.
4. Referring to claims 1, 9, and 18, Coss discloses:
- a. Receiving state rules (column 4, lines 4-6).
  - b. Forming a set of rules including at least one condition and one action (column 4, lines 30-34).
  - c. Storing a set of rules in tabular form(column 4, lines 5-6).
  - d. Receiving a network flow including a plurality of packets (column 6, lines 29-30, Figure 5, element 501).

- e. Applying the state rules to the plurality of packets in the network flow (column 6, lines 18-21).
  - f. Wherein the at least one action comprises instantiation of a rule for the network flow from the set of rules (column 4, line 48).
5. Coss does not explicitly disclose there being a database of filters, where a specific filter is selected. However Venkatachary discloses a database of filters or rules (column 8, lines 16-17) and selecting a filter (column 8, lines 56-57). Coss and Venkatachary are analogous art because they are from the same field of endeavor, filtering. At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Coss and Venkatachary before him or her, to modify the method of Coss to include the database of filters of Venkatachary. The motivation for doing so would have been to provide traffic sensitive routing (column 2, lines 21-22).
6. Coss in view of Venkatachary does not explicitly disclose passing the definitions as a state machine. However, Katz discloses that state machines are critical for realizing the control and decision making logic in digital systems (page 383, 2<sup>nd</sup> paragraph).
7. Katz and Coss in view of Venkatachary are analogous art because they are from the same field of endeavor, digital systems. At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Coss in view of Venkatachary and Katz before him or her, to modify Coss in view of Venkatachary to include the state machine of Katz. The motivation for doing so would have been that

state machines are critical for realizing the control and decision making logic in digital systems (page 383, 2<sup>nd</sup> paragraph).

8. Referring to claims 2, 3, 10, 11, 19 and 20, Venkatachary teaches analyzing the application layer context (column 5, lines 60-62).
9. Referring to claims 4, 12, and 21, Coss teaches wherein the filter comprises a dynamic filter (column 8, lines 27-30).
10. Referring to claims 5, 13, 22, Coss teaches wherein the filter comprises a static filter (Figure 3). Static rules are defined in applicant's specification as a rule that applies to aggregate flows. In Figure 3, all flows from A to B of type FTP are Passed.
11. Referring to claims 6, 14, and 23, Coss teaches saving the result of the at least one action for use in a later executed rule (column 5, lines 40-42).
12. Referring to claim 7, Katz teaches that the state is maintained based on the state table (page 385). Coss teaches maintaining a state table of saved results (column 5, lines 38-55). Therefor Coss in view of Katz teaches maintaining an expected state utilizing the saved results.
13. Referring to claims 15, and 24, Coss teaches deactivating a rule (column 8, lines 36-38).
14. Referring to claims 8, 16, and 25, Coss teaches activating a rule (column 8, lines 13-15).
15. Referring to claim 17, Coss teaches maintaining a state table for the network flow (column 5, lines 38-55).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CORDELIA KANE whose telephone number is (571)272-7771. The examiner can normally be reached on Monday - Thursday 8:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cordelia Kane/  
Examiner, Art Unit 2132

/Benjamin E Lanier/  
Primary Examiner, Art Unit 2132